

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
February 4, 2004

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Mayor David Dermer
Vice-Mayor Jose Smith
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

CONSENT AGENDA

PA1 **W**-Cert. of Apprec./William Farkas, Retiring from the South Florida Art Center. (Gross)
PA2 Cert. of Apprec./Elaine Watson, Retiring after 29 Years of Working w/ Immigration Services.
PA3 Cert. of Apprec./4 Officers, Assisting during the Holiday Toy Giveaway. (Garcia)
PA4 Cert. of Completion/Participants of the City's Neighborhood Leadership Academy.
PA5 Proclamation Declaring February 2004 Black History Month. (Dermer)
PA6 Cert. of Apprec./Members of the Cultural Arts Council for Many Years of Dedication. (Dermer)
PA7 **W**-Cert. of Apprec./Orlando Travieso, Distinguished Career in Community Service. (Garcia)
PA8 Proclamation/Leo Salom, Distinguished Career in Public Service. (Dermer)
PA9 Cert. of Apprec./Robert William, Helping Alleviate Traffic Congestion in Miami Beach. (Steinberg)
PA10 **W**-Cert. of Apprec./Doug Swan, Dedicated Service to Miami Beach Fire Department. (Garcia)
PA11 Key to the City/Auxiliary Bishop Felipe de Jesus Estevez of the Archdiocese of Miami. (Dermer)
PA12 **New Item:** Proclamation/Miami Beach Police Department. (Dermer)
PA13 **New Item:** Cert. of Apprec./UNIDAD - Miami Beach Hispanic Community Center. (Bower)

C2A BA 47-02/03, Electric Motor Rewind & Repair Services, \$300,000.5
C2B Issue S.O., Purchase of 510 Pistols (.40 Caliber Semi-Auto), \$70,000.14

C4A Ref: Finance & CWP Committee - Utilization of Contracts Awarded by Purchasing Alliance.

C7A Approve/Appropriate Funds, Educating Voters about Ballot Questions on the 3/9/04 Election.
C7B Request Public Purpose Conveyance from FDOT, Construct a Tram Maneuvering Area.
C7C Set Public Hearing, Establish a Restricted Residential Parking Zone for Upper West Avenue.
C7D Adopt/Appropriate First Amendment to Police Confiscation Trust Fund Budget for FY 2003/04.
C7E Adopt/Appropriate First Budget Amendment to Police Special Revenue Account for FY 2003/04.
C7F Execute a Mutual Aid Agreement w/ the Town of Bay Harbor Islands.
C7G Approve a "RecWare Safari" Software Package for the Parks & Recreation Department.
C7H Appropriate Funds, Purchase of Velocity City Hall Software for On-Line Permitting.
C7I Appropriate Funds, Purchase of Handheld Computer Inspection System.

REGULAR AGENDA

- R5A **10:30 a.m. 2nd Rdg**, Establish Exemptions from Definition of "Lobbyists."
 R5B **10:35 a.m. 2nd Rdg**, Permit Sale of Alcoholic Beverages in Totally Nude Adult Establishments.
 R5C **2:00 p.m. 2nd Rdg**, Proposed Designation of the North Beach Resort Historic District.
- R6A Verbal Report: Finance & Citywide Projects Committee Meeting of 1/28/04.
 R6B Verbal Report: Joint Fin. & CWP & Neighborhood/Community Affairs Comm. Mtg. of 1/28/04.
- R7A Approve/Adopt BODR, South Pointe Neighborhood ROW Improvement Project.
 R7B **11:00 a.m.** Accept Recomm., Construct a Multipurpose Parking Facility on City Hall Parking Lot.
 R7C Approve Amendment to A/E Agmt, Complete Construction of Miami Beach Regional Library.
 R7D Award Contract, Construction of MacArthur CSWY Watermain & Terminal Island Pump Station.
 R7E Amend Lease Agreement, Property at 1833 Bay Road (Police Department Operations).
- R9A **2:15 p.m.** Board and Committee Appointments.
 R9A1 **2:15 p.m.** Appointments to the Art in Public Places Committee.
 R9A2 **2:15 p.m.** Appointments to the Board of Adjustment.
 R9A3 **2:15 p.m.** Appointments to the Budget Advisory Committee.
 R9A4 **2:15 p.m.** Appointments to the Health Advisory Committee.
 R9A5 **2:15 p.m.** Appointments to the Health Facilities Authority Board.
 R9A6 **2:15 p.m.** Appointments to the Historic Preservation Board.
 R9A7 **2:15 p.m.** Appointments to the Normandy Shores Local Gov. Neighborhood Improvement.
 R9A8 **2:15 p.m.** Appointments to the Oversight Committee for General Obligation Bond.
 R9A9 **2:15 p.m.** Appointments to the Personnel Board.
 R9A10 **2:15 p.m.** Appointments to the Visitor & Convention Authority
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9C Disc. Giving Parking Permits to Consulates Stationed in Miami-Dade County. (Cruz)
 R9D Disc. Convention Development Tax. (Dermer)
 R9E Disc. Waiver of Conflict of Interest, Boies, Schiller & Flexner LLP
 R9F Disc. Possible Settlement of Angelo Paloumbis vs. CMB.
 R9G Disc. Possible Settlement of Claude & Martine Tunc and Sandrine Tunc vs. CMB.
 R9H **11:30 a.m.** Disc. Reconsideration of the CCC District/Waiver of Dev. Regs. Ordinance. (Gross)
- R10A **Noon Break**, Executive Session - West Side Partners & East Coastline Dev. vs. CMB.
 R10B **Noon Break**, Executive Session - Angelo Paloumbis vs. CMB.
 R10C **Noon Break**, Executive Session - re: Collective Bargaining Tentative Agmts for IAFF & FOP.

REPORTS AND INFORMATIONAL ITEMS

- A Status Report on Fire Station No. 2.
 B Status Report on Fire Station No. 4.
 C Status Report on the Scott Rakow Youth Center.
 D Informational Report on Federal, State, County and All Existing City Contracts.

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 2A Report of Itemized Revenues/Expenditures of RDA for Month of December 2003.

Meeting called to order at 9:25:03 a.m.

Mayor Dermer introduced Bishop Felipe De Jesus Estevez of the Archdiocese of Miami. He read a brief biography of the Bishop's life and accomplishments. He stated that Bishop Estevez was ordained in 1970, appointed Auxiliary Bishop on November 21, 2003 and ordained January 7, 2004. See Item PA11.

Inspirational message given by Auxiliary Bishop Felipe De Jesus Estevez of the Archdiocese of Miami.

Pledge of Allegiance led by Cheyenne Bray, daughter of retiring Miami Beach Police Lieutenant Mark Bray. See PA12.

Times based on the digital recording in the City Clerk's Office.

10:19:41a.m.

Addendum items: R10C

ACTION: Motion made by Commissioner Garcia to add Addendum item as an emergency item to the agenda; seconded by Commissioner Cruz; Voice vote: 7-0.

Supplemental Materials:

C7A – Additional Information

C7F – Resolution and Agreement

R7C – Resolution & Amendment #5

PA - Presentations and Awards

PA1 Certificate Of Appreciation To Be Presented To William Farkas For Retiring From The South Florida Art Center.

(Requested by Commissioner Saul Gross)
(Deferred from January 14, 2004)

ACTION: Withdrawn.

PA2 Certificate Of Appreciation To Be Presented To Elaine Watson For Retiring After 29 Years Of Working With Immigration Services.

(Tourism & Cultural Development)
(Deferred from January 14, 2004)

ACTION: Item deferred.

PA3 Certificates Of Appreciation To Be Presented To Officers Maria Zamudio, Orlando Sosa, Vincent Canete, And Rolando Noriega, For Assisting During The Holiday Toy Giveaway At The Hispanic Community Center.

(Requested by Commissioner Luis R. Garcia, Jr.)
(Deferred from January 14, 2004)

ACTION: Certificates presented.

9:33:36 a.m.

PA4 Certificates Of Completion To Be Presented To The Participants Of The City's Neighborhood Leadership Academy.

(Neighborhood Services)

ACTION: Certificates presented to the participants of the City's Neighborhood Leadership Academy. Mayor Dermer congratulated the participants and read their names : Leslie Rosenfeld, F. Dominique Diambois, Solomon Genet, Marcia Cunningham, Alexander Wilmerding, Mark Barnett, Rhoda Barnett, Gary Knight, Tatiana Packet, Don Ritthaler, Barbara Ritthaler, Tony Giulino, Richard Weiner, Silvia Prieto, Christopher Gates, Nadako Collier, Paul Markowitz, Kirk Paskal, Bertha Hundevadt, Louis Perrill, Jon Renaud, Sage Hoffman, Tamara Sheffman, Ron Meyer, Vera Azenha, Franck Dossa, Clotilde Luce and Ana Cordero.

Jorge Gonzalez, City Manager, explained that this is the Leadership Academy's fourth graduating class, and added that through the Academy, the City is building leadership within the community and a more informed and educated group of residents. Participants learn how to go out and participate in their neighborhoods; and become potential candidates for advisory boards and actively participate in the City providing services to the residents. There are an excess of 100 graduates, and at the present time an Alumni group has been formed that will continue to do good work.

Gabrielle Redfern congratulated the new graduates of the Leadership Academy on behalf of the forming Executive Committee of the Alumni Association, and invited the graduates to participate by attending the first Alumni gathering, to hear the vision from the Association from, Jorge Gonzalez, City Manager. The group was urged to be part of the neighborhood associations to build a better City.

Phillip Cousins explained that the Executive Committee of the new Alumni Association is ready to launch the Association Alumni Group, which will be exploring the vision of assisting the community to grow and develop.

9:45:53 a.m.

PA5 Proclamation Declaring February 2004 Black History Month.
(Requested by Mayor David Dermer)

ACTION: Proclamation presented.

Mayor Dermer introduced the members that have been instrumental in the preparation and celebration of the event: Nathan Pope, Shirley Thomas, Mercy Williams, Nathaniel Frazier, Willie Sanders, Odessa Pinder, Debora Hart, Dionne Ireland, Samantha Hester, Otera Hart, Anthony Mincy, Ramiro Inguanzo, Max Sklar, Linette Nodarse, Nannette Rodriguez and Liz Gibson, and others who were not able to attend because of conflicting work schedule. Mayor Dermer stated that Americans have recognized Black History Month since 1926, first as Negro History Week and later as Black History Month. The celebration of Black History Month, and more importantly, the study of Black History is owed to Dr. Carter G. Woodson, who chose the second week of February because it marks the birthdays of two men who greatly impacted the American Black population: Fredrick Douglas and Abraham Lincoln. February is significant in Black American History for several reasons; for example on February 23, 1868, W.E.B. Du Bois, an important civil rights leader and co-founder of the NAACP was born; on February 3, 1870 the 15th amendment was passed; on February 25, 1870 the first black United States Senator, Hiram R. Revels took his oath of office; on February 21, 1909 the NAACP was founded; and on February 1, 1960 the civil rights movement milestone took place, when a group of black North Carolina college students began a sit in at a segregated Woolworth's lunch counter. Another interesting event that recently occurred is the stamp commemorating the life and achievements of Paul Robeson, great athlete, singer, civil rights leader and author. It is with great pride that the City declares the month of February, "Black History Month." Some of the events scheduled to celebrate Black History Month include a video art exhibit, featuring a historical perspective of black rights movement in South Florida, the Annual Employee luncheon, and the

Mayor's Black Host Committee, in participation with the City's Community Relations Board to host a reception.

On a separate note, Mayor Dermer remembered the recent loss of a City employee, Joseph Johnson, who was a wonderful, courageous person who served the City for a long time and touch many lives in a positive way. He left behind a young son and wife and Mayor Dermer suggested that during the event, the Black Host Committee gather contributions to go towards a trust fund for Joseph's son.

Commissioner Garcia suggested that the City create a scholarship fund for Joseph's son, possibly by allowing employees to donate sick time to the Joseph Johnson Scholarship Fund. **Mayra Diaz Buttacavoli to handle.**

Jorge Gonzalez advised that the Administration will look into this possibility.

- PA6 Certificates Of Appreciation To Be Presented To Steve Sauls, Roland Kohen, Diane Heller, Pauline Winick, Clark Reynolds And Kathryn Orosz For Their Many Years Of Dedication To The Cultural Arts Council.

(Requested by Mayor David Dermer)

ACTION: Item deferred.

- PA7 Certificate Of Appreciation To Be Presented To Orlando Travieso For His Devotion And Distinguished Career In Community Service.

(Requested by Luis R. Garcia, Jr.)

ACTION: Withdrawn.

- PA8 Proclamation To Be Presented To Leo Salom, Manager Director Of The Fontainebleau Hilton Resort, For His Distinguished Career In Public Service.

(Requested by Mayor David Dermer)

ACTION: Withdrawn.

- PA9 Certificate Of Appreciation To Be Presented To Robert William, Miami-Dade County Traffic Signal System Operation Manager, For His Hard Work And Dedication To Helping Alleviate Traffic Congestion Throughout The City Of Miami Beach.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Item deferred.

- PA10 Certificate Of Appreciation To Be Presented To Doug Swan For A Long And Dedicated Service To The Miami Beach Fire Department.

(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Withdrawn.

9:28:25 a.m.

PA11 Key To The City To Be Presented To Auxiliary Bishop Felipe De Jesus Estevez Of The Archdiocese Of Miami.

(Requested by Mayor David Dermer)

ACTION: Key presented.

9:31:10 a.m.**New Item:**

PA12 Proclamation To Be Presented To Lieutenant Mark Bray For Retiring From The City of Miami Beach Police Department On His Retirement after 28 years of service.

(Requested by Mayor David Dermer)

ACTION: Proclamation presented.

Mayor Dermer thanked Lieutenant Bray on behalf of the City and the Miami Beach Police Department for a great job and stated that he will be missed. He wished him health and good luck on his retirement and in the future.

Lieutenant Mark Bray thanked everyone and stated that he is very proud of the City and it was a pleasure to be part of the Police Department.

New Item:

Mayor Dermer congratulated Commissioner Cruz on his recent birthday.

9:39:20 a.m.**New Item:**

PA13 Certificate of Appreciation To Be Presented To Unidad Miami Beach Hispanic Community Center.

(Requested by Commissioner Bower)

ACTION: Certificate presented.

Commissioner Bower presented a Certificate of Appreciation to Unidad, parent of the Miami Beach Community Hispanic Center, for all the activities they hold, including the Holiday Toy Drive that helped needy parents and children in the City.

Margarita Cepeda, Executive Director of the Miami Beach Community Center, gave an overview of the services offered and explained the growth of the Center. There will be four operating facilities in 2004, including a center in South Beach. Services include social services, education on citizenship, skills training program, and a new campaign called "Educate y Vota" which translates to "Educate Yourself and Vote." The center is also a cultural facility which invites diverse local writers for readings and other functions.

Commissioner Garcia also presented a Certificate of Appreciation for the success of the Holiday Toy Drive to Officer Vincent Canete, Officer Maria Zamudio, Officer Orlando Sosa and Officer Rolando Noriega. He complimented the community effort and the Police Department. See item PA3.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Vice-Mayor Smith; Voice vote 7-0.

C2 - Competitive Bid Reports

- C2A Request For Approval To Award Contracts To Condo Electric Motor Repair, Inc., TAW Miami Service Center, Pursuant To Invitation To Bid No. 47-02/03 For The Electric Motor Rewind And Repair Services In The Estimated Annual Amount Of \$300,000.
(Public Works)

ACTION: Award approved. Fred Beckmann to handle.

Handout or Reference Materials

1. Letter to Mr. Stephen Cornilliac, Vice President, Electrix USA, Inc., from Jorge M. Gonzalez, City Manager, dated February 3, 2003 (should be 2004), RE: Bid Protest Regarding Bid No. 47-02/03 – Electric Motor Rewind and Repair Services (The “Bid”)

- C2B Request For Approval To Issue A Standing Order To Sigarms, Inc. As The Sole Source Manufacturer And Supplier For The SIG Sauer Model 226 And SIG Sauer 239 Pistols, For The Purchase Of 510 Pistols (.40 Caliber Semi-Auto) At An Estimated Cost Of \$70,000.
(Police Department)

ACTION: Award approved. Gus Lopez to issue Standing Order. Chief De Lucca to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee - Discussion Regarding An Amendment To Section 2-369 Of The City Code Relative To The Utilization Of Contracts Awarded By The U.S. Communities Government Purchasing Alliance.
(Procurement)

ACTION: Item referred. Patricia Walker to place on the agenda. Gus Lopez to handle.

C7 - Resolutions**9:54:11 a.m.**

Supplemental Materials:

C7A A Resolution Approving And Appropriating An Expenditure Of Up To \$50,000 For The Public Purpose Of Informing And Educating The Voters Of The City Of Miami Beach About The Seven City Ballot Questions On The March 9, 2004 Presidential Preference Primary Election Ballot In Order To Achieve A More Informed Electorate Vote.

(City Manager's Office)

(Additional Information)

ACTION: Item separated for discussion by the Administration. Resolution No. 2004-25469 adopted as amended. Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 7-0. Patricia Walker to appropriate the funds. Ramiro Inganzo to handle.

Amendment: "Approving And Appropriating An Expenditure Of Up To \$50,000 For The Public Purpose Of Informing, Advocating And Educating The Voters...."

Jorge Gonzalez, City Manager, stated that typically the Administration tries to educate the voters by putting out a Voter's Guide. At the Charter Review and Revision Board meeting held on February 2, 2004. it was voted to request the City Commission to publicly advocate for the six (6) questions recommended by the Charter Review and Revision Board and approved by the City Commission.

Commissioner Bower stated that she has been advised by the Legal Department that it is legal for the Administration to advocate a position on the ballot questions and made a motion to approve the resolution with the provision to advocate a position.

Commissioner Gross stated that the City needs to make it clear to the voters in the information materials that the New World Symphony deal will be not affected.

C7B A Resolution Requesting A Public Purpose Conveyance From The Florida Department Of Transportation, Of A Portion Of Its Right-Of-Way For The MacArthur Causeway Located Adjacent And Contiguous To The City-Owned Miami Beach Marina, For The Purpose Of Constructing A Tram Maneuvering Area, And Authorizing The Acceptance Of A Deed For The Subject Property With A Reverter Clause.

(Economic Development)

ACTION: Resolution No. 2004-25470 adopted. Christina Cuervo to handle.

C7C A Resolution Setting A Public Hearing To Consider The Establishment Of A Restricted Residential Parking Zone For The Upper West Avenue Neighborhood.

(Parking Department)

ACTION: Resolution No. 2004-25471 adopted. Public hearing scheduled for February 25, 2004. R. Parcher to notice. Lilia Cardillo to place on the Agenda. Saul Frances to handle.

10:03:25 a.m.

- C7D A Resolution Adopting And Appropriating The First Amendment To The Police Confiscation Trust Fund Budget For The Fiscal Year 2003/04 In The Amount Of \$265,419 To Be Funded From The Proceeds Of State (\$55,760) And Federal-Justice (\$209,659) Confiscated Funds.
(Police Department)

ACTION: Item separated for discussion by Commissioner Bower. Resolution No. 2004-25472 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Gross. Patricia Walker to appropriate the funds. Chief De Lucca to handle.

Commissioner Bower, with regard to the \$100,000 expenditure for the Jail Service Pilot Program, asked for additional information.

Ray Martinez, Assistant Police Chief, explained that the Pilot Program contracts with Miami-Dade Corrections to staff the Miami Beach jail 24 hours a day, 7 days a week, so that Miami Beach Police jailers, with a paddy wagon, can be out on the streets responding to officers making arrests. This is a 60-day pilot program.

Commissioner Bower requested a report after the 60-day Pilot Program has been evaluated. **Chief De Lucca to handle.**

Commissioner Garcia stated that the need is there for this program. He asked the Administration if there is any way that Miami-Dade County can help finance this initiative.

Ray Martinez, Assistant Police Chief, stated that the Police Department has approached the Miami-Dade Corrections and asked that if this service were to continue, could the Corrections officers be funded at straight time rather than at an overtime rate. He was told that this decision would need to be made at a higher level.

Jorge Gonzalez, City Manager, stated that if this program is successful, the City could go out for bid and let the County bid.

- C7E A Resolution Adopting And Appropriating The First Budget Amendment To The Police Special Revenue Account For Fiscal Year 2003/04 In The Amount Of \$8,300, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account.
(Police Department)

ACTION: Resolution No. 2004-25473 adopted. Patricia Walker to appropriate the funds. Chief De Lucca to handle.

Supplemental Materials:

- C7F A Resolution Authorizing The Mayor, Or His Designee, And The City Clerk To Execute A Mutual Aid Agreement With The Town Of Bay Harbor Islands, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The Town Of Bay Harbor Islands.
(Police Department)
(Resolution & Agreement)

ACTION: Resolution No. 2004-25474 adopted. Chief De Lucca to handle.

10:15:35 a.m.

- C7G A Resolution Approving And Authorizing The Parks And Recreation Department To Accept A Recreation "RecWare Safari" Software Package From The Active Network, Inc., With An Estimated Value Of \$30,000, At No Cost To The City; Further Authorizing The City Manager Or His Designee To Sign All Documents Necessary To Receive This Software.
(Parks & Recreation)

ACTION: Item separated for discussion by Commissioner Bower. Resolution No. 2004-25475 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Kevin Smith to handle.

Commissioner Bower stated that this is a good thing and asked Kevin Smith, Parks and Recreation Director, to give an overview.

Kevin Smith, Parks and Recreation Department, stated that the Department has been looking for computer software which will enable the Department to better serve the customers. Julio Magrisso, Assistant Director, won a \$30,000 software Package for the City while attending a conference. Miami Beach is the only City that won.

- C7H A Resolution Authorizing The Administration To Appropriate Funds And Issue A Standing Order To Accela, The Sole Source Provider And Owner Of The Copyrighted Software Code For Velocity Hall Software, In The Amount Of \$103,025, For The Period Of FY 2003-2004, For The Purchase Of Velocity City Hall Software For On-Line Permitting And Program Modifications To The Velocity City Hall Software And The City's 'Permits' Plus System, Setting An Effective Date.
(Information Technology)

ACTION: Resolution No. 2004-25476 adopted. Patricia Walker to appropriate the funds. Kay Randall to handle.

10:17:43 a.m.

- C7I A Resolution Authorizing The Administration To Appropriate The Funds And Issue A Change Order No. 7 To The Statement Of Work For The Handheld Computer Inspection System, Issued, Pursuant To The E-Business Enterprise Services Agreement, By And Between Idea Integration And The City Of Miami Beach, In The Amount Of \$49,375, For The Period FY 2003-2004, In Order To Facilitate Moving To 'Permits' Plus Release 5, And SQL 2000.
(Information Technology)

ACTION: Resolution No. 2004-25477 adopted. Patricia Walker to appropriate the funds. Kay Randall to handle.

Commissioner Gross stated that the City is buying software in items C7H and C7I will allow the contractors to obtain permits over the internet. At the time the fees were raised in the Building Department, the Administration committed to buy software to make it easier to do business with the City. When implemented, the saving to the contracting industry will far out weight the additional permit cost. In addition, the inspectors will have handheld computers and inspections will be posted to the internet. He commended Jorge Gonzalez, City Manager, for adopting this process, which was recommended by the Business Resolution Task Force (BRTF).

Mayor Dermer commended Commissioner Gross for his hard work on the Business Resolution Task Force.

Jorge Gonzalez, City Manager, stated that the staff has worked very hard and this is a very difficult

task to develop. He stated that there should be online capabilities to pull permits by early April. The handhelds will be live 30 days later.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

10:36:02 a.m.

R5A An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 3 Thereof Entitled "Lobbyists," Establishing Exemptions From Definition Of "Lobbyists," Amending Registration Fee Provisions, Expanding Contingency Fee Prohibition; Providing For Repealer, Severability, Codification, And An Effective Date. **10:30 a.m. Second Reading, Public Hearing.**

(City Attorney's Office)
(First Reading on January 14, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3435 adopted as amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. R. Parcher to handle.

Amendments:

Sec 2-483. Exceptions to registration

- (b) Any person who only appears in his individual capacity ~~at a public hearing before the city commission, planning board, board of adjustment, or other board or committee and has no other communication with the personnel defined in section 2-481,~~ for the purpose of self-representation without compensation or reimbursement, whether direct ~~or~~ indirect ~~or contingent,~~ to express support of or opposition to any item, shall not be required to register as a lobbyist, including but not limited to those who are members of homeowner or neighborhood associations.

Vice-Mayor Smith requested that the language be simplified in the ordinance with regard to individuals who are not lobbying, but speaking with a Commissioner at a function, and express a concern about a particular matter. He asked for clarification in the cases of individuals who act in their own capacity, who speak with Commissioners, are not lobbyists and do not need to register. The existing City Code is unclear.

Jean Olin, Deputy City Attorney, stated that an individual representing him or herself and is not representing a third party is not a lobbyist. She recommended the amendment language.

Vice-Mayor Smith stated that under the proposed amendment, representatives from the Chamber of Commerce need to register as lobbyists, and this is because the City must comply with the County's lobbyist ordinance.

Jean Olin, Deputy City Attorney, explained that the County, last May 2003, amended their lobbyist laws. The City can be stricter than the County ordinance but not more lenient. The County law states that an individual is not a lobbyist if he/she represents a non-profit association, with two exemptions: 1) if the individual represents a community based organization for the limited purposes of seeking a grant, and 2) if representing a neighborhood association without being compensated. She stated that Bruce Singer, Executive Director of the Miami Beach Chamber of Commerce, requested an opinion from the Miami-Dade County Ethics Commission to see if the Chambers of Commerce is exempt from the lobbying provisions. The Ethics Commission opined that the Chambers of Commerce does not fit within the definition of a community based organization. David Kelsey with the South Beach Hotel and

Restaurant Association also requested an opinion. The Ethics Commission opined that that entity is also a lobbyist. They have to register but they do not have to pay the registration fee.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Email to Robert Meyers, Commission on Ethics, from Bruce Singer, President/CEO, Miami Beach Chamber of Commerce, dated January 16, 2004, RE: Lobbyist/Exemptions/Definition

10:47:33 a.m.

R5B An Ordinance Amending Chapter 6, "Alcoholic Beverages," Of The Code Of The City Of Miami Beach, Florida, By Amending Sections 6-40 And 6-41 "Total Nudity And Sexual Conduct Prohibited," And "Provisions Pertaining To Establishments Permitting Partial Or Total Nudity," To Allow Establishments Licensed As Alcoholic Beverage Establishments To Offer Partial And Total Nude Adult Entertainment; Providing For Codification, Repealer, Nonseverability, And An Effective Date. **10:35 a.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on January 14, 2004)

ACTION: Public Hearing held. Motion made by Commissioner Bower to open and continue the item to the March 17, 2004 Commission Meeting at 10:30 a.m., to allow the Planning Board to address their concerns; seconded by Vice-Mayor Smith; Ballot vote: 7-0. Lilia Cardillo to place on the Agenda. Jorge Gomez to place on the Planning Board Agenda and to handle.

Pablo Perez, Attorney for the applicant, spoke.
Leroy Griffith spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Report titled: CAD Incident Report / January - December 2003, Club Madonna

2:48:14 p.m.

R5C An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(E), "Delineation On Zoning Map"; Amending Section 118-593(E)(2), "Historic Preservation Districts (HPD)" By Designating The North Beach Resort Historic District, Consisting Of A Certain Area Which Is Generally Bounded By The Southern Lot Lines Of 6084 Collins Avenue, 6261 Collins Avenue, And 210-63rd Street To The South, The Center Line Of 71st Street To The North, The Center Line Of Collins Avenue And The Western Lot Lines Of Certain Properties Fronting On Collins Avenue To The West (Including 6084 Collins Avenue And 6300 Collins Avenue), And The Erosion Control Line Of The Atlantic Ocean To The East (Excluding 6605 Collins Avenue), As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include The North Beach Resort Historic District; Adopting The Designation Report Attached Hereto As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code, Repealer, Severability, And An Effective Date. **2:00 p.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading, Public Hearing on January 14, 2004)

ACTION: Public Hearing held. Motion made by Vice-Mayor Smith opened and continued item to February 25, 2004 at 2:00 p.m.; seconded by Commissioner Bower; Ballot vote: 4-0; Absent: Commissioners Cruz, Gross and Garcia. Lilia Cardillo to place on the Agenda. Jorge Gomez to handle.

Jorge Gonzalez, City Manager, stated that there is a companion ordinance, the proposed rooftop

addition ordinance, and the Commission may want to consider both ordinances at the same time.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Report titled: North Beach Resort Historic District Designation Report (Appendix "A"), prepared by the City of Miami Beach Planning Department, Design, Preservation, & Neighborhood Planning Division, dated August 12, 2003

R6 - Commission Committee Reports

R6A

Verbal Report Of The Finance And Citywide Projects Committee Meeting January 28, 2004: **1)** Discussion Regarding Community Benefit Revisions For The Jackie Gleason Theater Of Performing Arts (TOPA); **2)** Discussion Of The Results Of Negotiations With Market Company, Inc.: a. Fees For Vendor/Merchant Spaces; b. Off-Duty Police; c. Fee/Concession Revenue; **3)** Discussion Regarding Old City Hall Structural Repairs; And **4)** Discussion Regarding The Proposed Amendments To The Beachfront Concession Agreement By And Between The City And Boucher Brothers, Miami Beach, LLC.

ACTION: Item not reached. Lilia Cardillo to place on February 25, 2004 Consent Agenda.

Handout or Reference Materials:

1. Commission Memo to Mayor David Dermer and City Commission from Jorge Gonzalez, City Manager, dated 02/04/04 RE: Report of the Finance and Citywide Projects Committee meeting of January 28, 2004.

R6B Verbal Report Of The Joint Finance & Citywide Projects And Neighborhood/Community Affairs Committee On January 28, 2004: 1) A Presentation And Discussion Of The Basis Of Design Report For Phase II Of The South Point Neighborhood Right Of Way Improvement Project.

ACTION: Item not reached. Lilia Cardillo to place on February 25 Consent Agenda.

Handout or Reference Materials:

1. Commission Memo to Mayor David Dermer and City Commission from Jorge Gonzalez, City Manager, dated 02/04/04 RE: Report of the Joint Finance and Citywide Projects Committee and Neighborhood/Community Affairs Committee meeting of January 28, 2004.

R7 – Resolutions**5:08:28 p.m.**

- R7A A Resolution Approving And Officially Adopting The South Pointe Neighborhood Basis Of Design Report (BODR), Which Identifies And Describes RDA-Funded Streetscape, Water, And Stormwater Capital Improvements To Be Implemented Through Phase II Of The South Pointe Neighborhood Right Of Way Improvement Project.
(Capital Improvement Projects)

ACTION: Resolution No. 2004-25478 adopted. BODR adopted as amended. Motion made by Vice-Mayor Smith to approve the BODR with the amendments; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Tim Hemstreet to handle.

Amendments:

- 1) Motion made by Commissioner Bower regarding 4th Street: 8 foot sidewalk, 7 foot parking lane; seconded by Commissioner Gross; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia.
- 2) Motion made by Vice-Mayor Smith regarding Jefferson Avenue to approve Alternative II; relative to the sidewalks and parking lane; seconded by Commissioner Bower. Commissioner Steinberg asked if this could be subject to the Administration's research on encroachments. Vice-Mayor Smith and Commissioner Bower accepted the amendment; Voice vote: 6-0; Absent: Commissioner Cruz. Tim Hemstreet to handle.

Tim Hemstreet, CIP Director, presented the item.
Aris Garcia, Wolfberg Alvarez Team, spoke.
Aida Curtis, Curtis & Rogers, spoke.

Commissioner Steinberg, regarding the 14 encroachments, stated that some of the property owners may be in favor of a wider sidewalk and requested the Administration to contact the property owners, to see if, based on the plans, they are in favor of removing the encroachment. **Tim Hemstreet to handle.**

Erika Brigham spoke.
Randall Robinson spoke.
Eleanor Hona spoke.
Mike Robinson spoke.
Joseph Villari spoke.
Gil Zriny spoke.

Commissioner Gross stated that the materials in the package are terrific. The materials are easy to read, and beautifully color coded. It is one of the nicest presentations shown and should be commended for spending the time and effort in putting the materials together.

Handout or Reference Material

1. Bound book titled, City of Miami Beach Right-of-Way Infrastructure Improvements Program, Neighborhood 12, South Pointe RDA Phase II, Basis of Design Report – Draft, prepared by Wolfberg Alvarez and Partners, dated June 20, 2003
2. Letter to Mayor and City Commissioners from Gil Zriny, dated February 3, 2004
3. 8 x 17 color presentation titled: City of Miami Beach, Right-of-Way Infrastructure Improvements Program, Neighborhood 12, South Pointe RDA Phase II, Basis of Design Report Draft Final.

11:08:28 a.m.

R7B A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Qualifications (RFQ) No. 69-02/03, For Architectural, Engineering, Design And Construction Administration Services Needed To Plan, Design, And Construct A Multipurpose Parking Facility On The Current Site Of The City Hall Surface Parking Lot; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Firm Of Perkins And Will, And Should The Administration Not Be Able To Successfully Negotiate An Agreement With Perkins And Will; Authorizing The Administration To Enter Into Negotiations With The Second Ranked Firm Of Zyscovich, Inc.

(Capital Improvement Projects)

ACTION: Resolution No. 2004-25479 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 5-2; Opposed: Commissioners Cruz and Garcia. Tim Hemstreet to handle.

Jorge Gonzalez, City Manager, stated that once the New World Symphony (NWS) negotiations were completed, one of the items the City became responsible for was to begin a garage project west of City Hall which would accommodate replacement parking. The time constraints on this are tight and in part of the negotiations with the NWS it was agreed to allow withholding the ability to begin their project until replacement parking had been found, or at least at some point in May 2007. Moving forward expeditiously on this project will more likely achieve that deadline. In reviewing the RFQ process, the Evaluation Committee appointed came up with a series of recommendations. He has reviewed the recommendations of the Committee and those governed by the Consultants' Competitive Negotiation Act (CCNA), and while both firms are capable of doing this work, in light of the distribution of work by each of the firms in the area and for the City of Miami Beach, it is his recommendation to rank Perkins and Will as the first firm and Zyscovich, Inc. as the second.

Gus Lopez, Procurement Director, explained that the Consultants' Competitive Negotiation Act is governed by 287.055 FS; it enumerates the process by which the most qualified Architect and Engineer firm is selected with a sub criteria, such as volume of work previously awarded by an agency, in this case by the City of Miami Beach.

Presentation given by Jose Gelabert-Navia, Management Director of Perkins and Will.

Presentation given by Bernard Zyscovich, Zyscovich, Inc.

10:21:19 a.m.

Supplemental Material

R7C A Resolution Approving Amendment Number 5 To The Architectural And Engineering Agreement With Robert A. M. Stern Architects, Reallocating \$136,000 From Other Portions Of The Agreement, And Allocating \$84,000 From The Regional Library Project Contingency For Additional Construction Administration Services Required To Complete The Construction Of The Miami Beach Regional Library.

(Capital Improvement Projects)

(Resolution)

ACTION: Resolution No. 2004-25480 adopted, with the City to obtain a release from Borrelli and a Hold Harmless from Stern. Motion made by Commissioner Cruz; seconded by Vice-Mayor Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Tim Hemstreet to handle.

Vice-Mayor Smith stated that the majority of the claims are for time, materials, and expenses by Borrelli and Associate, and asked if Borrelli and Associates have signed off on this settlement.

Tim Hemstreet, CIP Director, stated that Borelli was present at the last negotiation session with Stern, and they have agreed to an amount, although the City is not aware of the split amount.

Vice-Mayor Smith asked if they are both willing to execute releases for any claims.

Vice-Mayor Smith and Commissioner Gross requested that the City get a release from Borrelli and a Hold Harmless from Stern. **Tim Hemstreet to handle.**

10:27:33 a.m.

R7D Construction Of MacArthur Causeway Watermain And Terminal Island Pump Station

1. A Resolution Authorizing The Mayor And City Clerk To Award A Contract To Widell, Inc., The Lowest And Best Bidder, Pursuant To The Invitation To Bid No. 50-02/03, For The Construction Of The MacArthur Causeway 20-Inch Watermain And Terminal Island Water Booster Pump Station (The Project), In The Amount Of \$2,602,500; And, Further Affirming The Development Regulations, Pursuant To Section 142-425(A) Of The Land Development Regulations Applicable To The Terminal Island Water Booster Pump Station Project Site; Conveyed By FDOT To The City Of Miami Beach For The Construction Of A Pump Station And Converted To Government Use (GU) District, Pursuant To Section 142-425(A) Of The Code Of The City Of Miami Beach; Setting An Effective Date.

ACTION: Resolution No. 2004-25481 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Voice vote: 7-0. Tim Hemstreet to handle.

Commissioner Gross stated that he objects to entering into an agreement with Camp, Dresser and McKee that's based on only 20 months, regardless of how long the project will take. He wants to know if it will change later to a more typical agreement on this matter. He is more used to seeing an architect agreement including a flat amount for costs.

Tim Hemstreet, CIP Director, stated that the typical contract does not contain a lump sum fee for an ongoing, undeterminable amount of construction.

2. A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 12 In The Amount Of \$287,507, To An Existing Agreement Between The City Of Miami Beach And Camp, Dresser & McKee, Inc. (CDM), Dated July 21, 1992, To Now Provide Architectural, Engineering And Construction Administration Services For The Project Identified As The MacArthur Causeway 20-Inch Water Main And Terminal Island Water Booster Pump Station; Setting An Effective Date.

(Capital Improvement Projects)

ACTION: Resolution No. 2004-25482 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Voice vote: 7-0. Tim Hemstreet to handle.

3:29:09 p.m.

R7E A Resolution Approving An Amendment To That Certain Lease Agreement Between The City Of Miami Beach (Tenant) And Gloria Miller-Rosenthal (Landlord), In The Monthly Amount Of \$10,500, For The Property Located At 1833 Bay Road, Miami Beach, Florida, That Is Being Used For Certain Police Department Operations And For The Parking Department Sign Division, Including Extending The Term Of Said Agreement, On A Month-To-Month Basis, During Which Time Development Of Alternate Facilities To Relocate The Respective Police And Parking Department Operations Are Being Completed; And Further Authorizing The Mayor And City Clerk To Execute Said Amendment To Lease Agreement.

(Economic Development)

ACTION: Resolution No. 2004-25483 adopted as amended. Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo to handle.

Amendment:

- 5) ~~The Landlord agrees that~~ Subject to the provisions of paragraph 6, the Tenant shall reserve is granted the right to purchase the Property for \$986,000, 1) within the next six (6) months; or 2) until such time as the Tenant notifies Landlord in writing of its intention not to purchase, whichever occurs first. ~~;or 3) until such time as the Landlord enters into a binding Purchase and Sale Contract for the sale of the Property wit a pre-approved and qualified third party, the Tenant shall reserve the right to match the amount of said offer and purchase the Property, whichever occurs first.~~
- 6) ".....qualified third party within the above options period, the tenant is granted the right to match the amount proposed in such binding Contract and terms and conditions thereof and purchase the property of such price and under such terms and conditions. If the Tenant...."

Handout or Reference Materials

1. Copy of the amended language.

3:31:15 p.m.**New Item:**

Commissioner Bower stated that at the Finance and Citywide Projects Committee meeting there was a discussion regarding the renovation of Old City Hall and loaning the funds to do the renovations from the Parking Department fund. She requested this item be referred to the Budget Advisory Committee.

Jorge Gonzalez, City Manager, stated that the direct given is appropriate. The Administration will get a firm renovation amount; go to the BAC for their input and perhaps a policy direction, and will report back a possible funding source.

Mayor Dermer asked to make it a Federal Legislative priority for additional money.

Commissioner Garcia added that Old City Hall was one of the first fire stations on Miami Beach.

Item referred to the Budget Advisory Committee without objection. **Jose Cruz, Budget Officer, to place the item on the agenda.**

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.
(City Clerk's Office)

ACTION:**Barrier Free Environmental Committee:**

Cory DiGeronimo Term expires 12/31/05 Appointed by Commissioner Steinberg TL 12/09

Beautification Committee:

Zoila Datorre Term expires 12/31/05 Appointed by Commissioner Steinberg TL 12/11

Elizabeth Resnick Term expires 12/31/05 Appointed by Commissioner Bower TL 12/07

Committee for Quality Education in MB:

Marta Montaner Term expires 12/31/05 Appointed by Commissioner Bower TL 12/010

Committee for the Homeless:

Marjorie York Term expires 12/31/05 Appointed by Commissioner Bower TL 12/05

Community Development Advisory Committee:

Stanley Shapiro Term expires 12/31/05 Appointed by Commissioner Smith TL 12/11

Community Relations Board:

Marc Lichtman Term expires 12/31/05 Appointed by Commissioner Bower TL 12/05

Debarment Committee:

Omar Martinez Term expires 12/31/05 Appointed by Commissioner Bower TL 12/08

Hispanic Affairs Committee:

Esther Amador Term expires 12/31/05 Appointed by Commissioner Bower TL 12/10

Loan Review Committee:

Regina Berman Term expires 12/31/05 Appointed by Commissioner Bower TL 12/05

Miami Beach Commission on the Status of Women:

Donna Bloom Term expires 12/31/05 Appointed by Commissioner Bower TL 12/05

Leslie Graff Term expires 12/31/05 Appointed by Commissioner Bower TL 12/07

Lizette Lopez Term expires 12/31/05 Appointed by Commissioner Bower TL 12/05

Parks and Recreational Facilities Board:

Michael Rosenbaum Term expires 12/31/05 Appointed by Commissioner Smith TL 12/11

Police Citizens Relations Committee:

Faye Goldin Term expires 12/31/05 Appointed by Commissioner Bower TL 12/10

Carl Zablotny Term expires 12/31/05 Appointed by Mayor Dermer TL 12/09

Public Safety Advisory Committee:

Manuel Diaz Term expires 12/31/04 Appointed by Commissioner Bower TL 12/09

Ronald Rosenbaum Term expires 12/31/05 Appointed by Commissioner Smith TL 12/11

Mark Weithom Term expires 12/31/05 Appointed by Commissioner Gross TL 12/09

Safety Committee:

Benjamin Brody Term expires 12/31/05 Appointed by Commissioner Bower TL 12/08

Youth Center Advisory Board:

Dennis Bruce Term expires 12/31/05 Appointed by Commissioner Bower TL 12/09

R9A(1) Appointments To The Art In Public Places Committee. (2:00 p.m.)

ACTION: Motion made by Commissioner Gross to appoint Ilija Mossdrop to the Art in Public Places Committee, seconded by Commissioner Bower; Voice-vote: 6-0; Absent: Commissioner Cruz.

ACTION: Motion made by Commissioner Bower to appoint Diane Heller to the Art in Public Places Committee, seconded by Vice-Mayor Smith; Voice-vote: 6-0; Absent: Commissioner Cruz.

Pola Reydburd, Chairman of the Art in Public Places committee, spoke.

Ilija Mossdrop	Term expires 12/31/05	Appointed by City Commission TL 12/06
Diane Heller	Term expires 12/31/05	Appointed by City Commission TL 12/09

R9A(2) Appointments To The Board Of Adjustment.

ACTION: Motion made by Commissioner Steinberg to reappoint Jason Loeb to the Board of Adjustment; in the Business category; seconded by Commissioner Bower; Voice-vote: 6-0: Absent Commissioner Cruz.

ACTION: Motion made by Commissioner Bower to appoint Roberto Datorre to the Board of Adjustment; in the Real Estate Developer Category ; seconded by Commissioner Garcia; Voice-vote: 6-0: Absent Commissioner Cruz..

ACTION: Motion made by Commissioner Garcia to appoint Ephat Benayoun Board of Adjustment; in the Architect Category; seconded by Commissioner Gross; Voice-vote: 5-1; Opposed: Commissioner Bower; Absent Commissioner Cruz.

Roberto Datorre	Term expires 12/31/05	Appointed by City Commission TL 12/09
Jason Loeb	Term expires 12/31/05	Appointed by City Commission TL 12/07

3:24:25

Commissioner Steinberg suggested that in the future, when there is a next round of appointments, the Commissioners should try to set up a date in which they are available to meet with potential board and committee members and make it convenient for individuals who work.

Commissioners Bower and Gross agree with Commissioner Steinberg and would like to try this.

3:25:39p.m.:

Vice-Mayor Smith asked the status of the Mayor's Blue Ribbon Panel on Historic Building. Mayor Dermer stated that the Blue Ribbon Panel on Historic Building report will be available with the next 30 days. They have done a lot of work. Mayor Dermer requested the City Administration to get the report. He will consider nominating Mr. Goldman and Mr. Gopman to the Board of Adjustment in the Engineering category. **Christina Cuervo to handle.**

R9A(3) Appointments To The Budget Advisory Committee.

ACTION: Motion made by Commissioner Gross to reappoint Eugene Woodard to the Budget Advisory Committee, seconded by Commissioner Bower; Voice-vote: 5-0; Absent Commissioners Cruz and Garcia.

Eugene Woodard Term expires 12/31/05

Appointed by City Commission TL12/08

R9A(4) Appointments To The Health Advisory Committee.

ACTION: Motion made by Commissioner Bower to appoint Joyce Galbut to the Health Advisory Committee (Adult Cong Living), seconded by Commissioner Garcia; Voice-vote: 6-0; Absent: Commissioner Cruz.

ACTION: Motion made by Commissioner Steinberg to reappoint Daniel Nixon to the Health Advisory Committee (Private Individual), seconded by Vice-Mayor Smith; Voice-vote: 6-0; Absent: Commissioner Cruz.

ACTION: Motion made by Commissioner Steinberg to reappoint Heidi Azari to the Health Advisory Committee (Nursing Profession), seconded by Commissioner Bower; Voice-vote: 6-0; Absent: Commissioner Cruz.

ACTION: Motion made by Commissioner Steinberg to appoint Dr. Ronald Shane to the Health Advisory Committee (Private Individual), seconded by Commissioner Bower; Voice-vote: 6-0; Absent: Commissioner Cruz.

ACTION: Motion made by Commissioner Steinberg to appoint Dr. Rasciciel Socarraz to the Health Advisory Committee (Health Provider), seconded by Commissioner Garcia; Voice-vote: 6-0; Absent Commissioner Cruz.

Joyce Galbut Term expires 12/31/04

Appointed by City Commission TL 12/09

Heidi Azari Term expires 12/31/05

Appointed by City Commission TL 12/08

Daniel Nixon Term expires 12/31/05

Appointed by City Commission TL 12/07

Dr. Ronald Shane Term expires 12/31/05

Appointed by City Commission TL 12/09

Dr. Rasciciel Socarraz Term expires 12/31/05

Appointed by City Commission TL 12/09

R9A(5) Appointments To The Health Facilities Authority Board.

ACTION: Motion made by Commissioner Gross to reappoint Mark Sinnreich to the Health Facilities Authority Board (health provider), seconded by Commissioner Bower; Voice-vote: 5-0; Absent: Commissioners Cruz and Garcia.

Motion made by Commissioner Garcia to appoint Toni Rodriguez to the Health Facilities Authority Board, seconded by Commissioner Bower; Voice-vote: 6-0; Absent: Commissioner Cruz.

Commissioner Bower suggested discussing nominating Board and Committee members at the a meeting and voting the following meeting.

Mark Sinnreich (4 yr term) Term expires 06/19/07
12/05

Appointed by City Commission TL

Tony Rodriguez (4 yr term) Term expires 06/19/07

Appointed by City Commission TL 12/09

R9A(6) Appointments To The Historic Preservation Board.

ACTION: No action taken.

R9A(7) Appointments To The Normandy Shores Local Government Neighborhood Improvement.

ACTION: Motion made by Commissioner Vice-Mayor Smith to appoint Raquel Fuentes, Michael Schwartz, and Dick Yousoufian to the Normandy Shores Local Government Neighborhood Improvement Committee, seconded by Commissioner Bower; Voice-vote: 6-0; Absent: Commissioner Cruz.

Raquel Fuentes	Term expires 12/31/05	Appointed by City Commission TL12/07
Michael Schwartz	Term expires 12/31/05	Appointed by City Commission TL 12/07
Dick Yousoufian	Term expires 12/31/05	Appointed by City Commission TL 12/07

R9A(8) Appointments To The Oversight Committee For General Obligation Bond.

ACTION: Motion made by Commissioner Bower to appoint Michael Rotbart (NB), Amy Rabin (MB) and Frank Del Vecchio (SB) to the Oversight Committee for General Obligation Bond, seconded by Vice-Mayor Smith; Voice-vote: 5-0; Absent: Commissioners Cruz and Garcia.

Michael Rotbart	Term expires 12/31/05	Appointed by City Commission TL 12/05
Amy Rabin	Term expires 12/31/05	Appointed by City Commission TL 12/05
Frank Del Vecchio	Term expires 12/31/05	Appointed by City Commission TL 12/05

R9A(9) Appointments To The Personnel Board.

ACTION: Motion made by Commissioner Steinberg to reappoint Jack Bernstein to the Personnel Board, seconded by Commissioner Gross; Voice-vote: 6-0; Absent: Commissioner Cruz.

ACTION: Motion made by Commissioner Garcia to reappoint Rosalie Pincus to the Personnel Board, seconded by Commissioner Gross; Voice-vote: 6-0; Absent: Commissioner Cruz.

ACTION: Motion made by Commissioner Bower to reappoint Orlando Alvarez Jr. to the Personnel Board, seconded by Commissioner Garcia; Voice-vote: 6-0; Absent: Commissioner Cruz.

Orlando Alvarez Jr.	Term expires 12/31/05	Appointed by City Commission TL 12/07
Rosalie Pincus .	Term expires 12/31/04	Appointed by City Commission TL 12/05
Jack Bernstein .	Term expires 12/31/05	Appointed by City Commission TL 12/06

R9A(10) Appointments To The Visitor & Convention Authority.

ACTION: Motion made by Commissioner Steinberg to reappoint Orlando Velazquez Jr (hotel); Leslie Zigel (Attorney); and Stephen Hertz (At-large) to the Visitors and Convention Authority, seconded by Vice-Mayor Smith; Voice-vote: 6-0; Absent Commissioner Cruz.

ACTION: Motion made by Commissioner Garcia to appoint Melanie Muss (hotel) to the Visitors and Convention Authority, seconded by Commissioner Steinberg; Voice-vote: 6-0; Absent Commissioner Cruz.

Orlando Velazquez Jr.	Term expires 12/31/05	Appointed by City Commission TL 12/06
Leslie Zigel	Term expires 12/31/05	Appointed by City Commission TL 12/06
Stephen Hertz	Term expires 12/31/05	Appointed by City Commission TL 12/07
Melanie Muss	Term expires 12/31/05	Appointed by City Commission TL 12/09

Handout or Reference Materials:

1. Letter to Mayor and Commission from Elsie Sterling Howard, no date, RE: Appointments to the VCA.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION: No speakers.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Not reached.

R9C Discussion Regarding Giving Consulates Stationed In Miami-Dade County Parking Permits.
(Requested By Commissioner Simon Cruz)
(Deferred from January 14, 2004)

ACTION: Item not reached. Lilia Cardillo to place on February 25 Agenda.

12:27:04 p.m. & 3:27:57 p.m.

R9D Discussion Regarding Convention Development Tax.
(Requested by Mayor David Dermer)

ACTION: Discussion held. **Resolution No. 2004-25484 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 4-0; Absent: Commissioners Cruz, Garcia, and Gross. **Legal Department to transmit to the County.**

Mayor Dermer suggested focusing the discussion on the next step to take in order to get back the \$50 million owed to the City of Miami Beach pursuant to the Interlocal Agreement since December 1, 2003.

Jorge Gonzalez, City Manager, gave a brief summary of the Interlocal agreement, and explained that one element of the agreement was that by the earlier of 12/1/03, the County would proceed to issue bonds to fund the second phase of the Performing Arts Center, and that the City would receive the sum of \$15 million. The bonds have not been issued and per conversations with the County, they might be issued by November 2004. However, the County is indicating that they do not have enough money available to the City, and the City must wait for moneys to become available; however, the County does not dispute the money owed. His conclusion is that the County has their own timetable and their own set of agenda and priorities that do not take into consideration the City's timetable and priorities.

Joseph Rebak, Outside Counsel, explained that a dispute between two governmental entities is governed by the Florida Governmental Conflict Resolution Act, which is a Florida Statute, and the procedure involves a series of steps that need to be taken before litigation ensues. The goal of the statutory scheme is to encourage resolution of the matter and the first thing to be done is the passage of a resolution by this Commission that they would be preceding in accordance with the Governmental Dispute Resolution Act. This resolution is then transmitted to the County; within 30 days an initial meeting must take place in an attempt to resolve the matter, if unsuccessful, within 50 days of the first letter, a joint public meeting has to be scheduled between the two governmental entities, and again if no resolution is made, mediation is mandatory. After mediation is concluded if no resolution is reached, litigation can ensue.

Motion made by Vice-Mayor Smith; seconded by Commissioner Bower, to institute all pre-suits procedures required by Statute and enact resolution to pursue this matter. No vote taken. Discussion continued.

Commissioner Cruz asked what rights the City jeopardizes if there is no instituted claim over the \$50 million.

Vice-Mayor Smith stated that the County is technically not in default in regards to the \$50 million, since this shall be remitted in March 2004.

Resolution No. 2004-25484 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 4-0; Absent: Commissioners Cruz, Garcia, and Gross. **Legal Department to transmit to the County.**

12:58:54 p.m.

R9E Discussion Regarding Waiver Of Conflict Of Interest By Boies, Schiller & Flexner LLP.
(City Attorney's Office)

ACTION: Discussion held.

Motion made by Commissioner Steinberg to deny issuing the waiver; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Legal Department to handle.

3:38:11 p.m.

R9F Discussion Regarding Possible Settlement Of Angelo Paloumbis Vs. City Of Miami Beach, Case No. 3D02-809, Third District Court Of Appeal Of Florida.
(City Attorney's Office)

(Documents in Legal - To be Submitted)

ACTION: Resolution No. 2004-25485 adopted. Motion made by Commissioner Garcia; seconded by Vice-Mayor Smith; Voice vote: 6-0: Absent Commissioner Cruz.

3:39:21 p.m.

R9G Discussion Regarding Possible Settlement Of Claude Tunc And Martine Tunc, As Personal Representatives Of The Estate Of Stephanie Tunc, And Sandrine Tunc Vs. City Of Miami Beach, Case No. 03-21813 CA 20, 11th Judicial Circuit Court Of Florida.
(City Attorney's Office)

(Documents in Legal - To be Submitted)

ACTION: Discussion held. **Resolution No. 2004-25486 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent Commissioner Cruz.

Judith Weinstein, First Assistant City Attorney, explained the case. Tunc's attorney has given the City a proposed settlement which it is believed to be fair. There is no admission of liability on the part of the City. The settlement is to pay the City's \$200,000 cap, less money already paid to allow a claims bill to be taken against the City, with the City's support, in the amount of \$1.3 million for a total settlement of \$1.5 million.

Vice-Mayor Smith asked how the money is going to be apportioned.

Judith Weinstein, First Assistant City Attorney, stated \$500,000 to Sandrine Tunc and \$1 million to the estate.

Vice-Mayor Smith asked if the City will get a full and complete release from the estate and the beneficiaries.

Judith Weinstein, Assistant City Attorney, stated absolutely, once the claims bill is passed and money is paid.

12:57:50 p.m.

R9H Discussion Regarding Reconsideration Of The Second Reading Public Hearing Ordinance Dealing With The CCC District/Waiver Of Development Regulations.
(Requested by Commissioner Saul Gross)

ACTION: Discussion held.

Commissioner Gross requested the Administration to place the ordinance on the February 25, 2004 agenda for first reading. Lilia Cardillo to place on the Agenda. Jorge Gomez to handle.

R10 - City Attorney Reports

R10A Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On February 4, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Cases:

West Side Partners, Ltd., A Florida Limited Partnership; East Coastline Development, Ltd., A Florida Limited Partnership; 404 Investments, Ltd., A Florida Limited Partnership; Azure Coast Development, Ltd., A Florida Limited Partnership; Beachwalk Development Corporation, A Florida Corporation; Portofino Real Estate Fund, Ltd., A Florida Limited Partnership; St. Tropez Real Estate Fund, Ltd., A Florida Limited Partnership; And Sun & Fun, Inc., A Florida Corporation, Vs. City Of Miami Beach, A Florida Municipal Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA-30.

East Coastline Development, Ltd., A Florida Limited Partnership Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (Removed To US Dist. Court, So. Dist. Of Fla. Case No. 01-4921 CIV-MORENO)

East Coastline Development, Ltd., A Florida Limited Partnership, And Catherine F. Colonnese, A Registered Voter In The City Of Miami Beach, Florida, Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (On Appeal In Third District Court Of Appeal Case No. 3DO1-3350)

East Coastline Development, Ltd Vs. City Of Miami Beach And The State Of Florida, Department Of Community Affairs. State Of Florida, Division Of Administrative Hearing Case No. 02-3283

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, Special Counsels Richard Ovelmen And Dan Paul.

ACTION: Withdrawn.

R10B Notice Of Closed Executive Session.

Pursuant To Section 768.28, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On February 4, 2004, To Discuss The Following Risk Management Case:

Angelo Paloumbis Vs. City Of Miami Beach, A Municipal Corporation. The District Court Of Appeal, Third District, Case No. 3D02-809

The Closed Executive Session Will Be Held In The City Manager's Large Conference Room, Fourth Floor, City Hall.

ACTION: Announced and held. See Agenda Item R9F.

ADDENDUM:**R10C Notice of Closed Executive Session.**

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On February 4, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For Discussions Relative To Collective Bargaining Tentative Agreements For The International Association Of Fire Firefighters (IAFF) And The Fraternal Order Of Police (FOP).

(City Manager's Office)

ACTION: Announced and held.

Reports and Informational Items

- A Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.

(Capital Improvement Projects)

ACTION: Written report submitted.

- B Status Report On The Rehabilitation Project Of Fire Station No. 4.

(Capital Improvement Projects)

ACTION: Written report submitted.

- C Status Report On The Scott Rakow Youth Center.

(Capital Improvement Projects)

ACTION: Written report submitted.

- D Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.

(Procurement)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
February 4, 2004**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
2. OLD BUSINESS
 - A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of December 2003.

ACTION: Written report submitted.

End of RDA Agenda

Meeting adjourned at 6:16:23 p.m.